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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,842	08/04/2003	Keith Rosiello	18405-127	5671

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EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,842

Applicant(s)

ROSIELLO, KEITH

Examiner

David L. Sorkin

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 24 February 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

1. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). This Figure is shown in WO 01/30505, Fig. 3. Any other figures which only show that which is old should be designates - - Prior Art - -.
2. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 7, 8, 13 and 14 are objected to as failing to comply with 37 CFR 1.75(d)(1) which require that "The claim or claims must conform to the invention as set forth in the remainder of the and the terms and phrases used in the claims must find clear support and antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description". Specifically, the term "flaps" is not used in the specification outside the claims. Applicant must appropriately amend the specification and/or claims without adding new matter to comply with 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4-10 and 12-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/30505. Regarding claims 1, 4, 5 and 9, WO ('505) discloses a flexible chamber ("bag set 20", page 3, line 25) comprising a first side (corresponding to 71, see Figs. 1, 3 and 4) and second side (the opposite end) and having an expandable wall, wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the flexible chamber (see Figs. 1, 3 and 4). Regarding claims 2 and 10, an axial opening is in the first side (see Fig. 3; page 3, lines 25-26). Regarding claims 6-8 and 12-14, the expandable chamber has an accordion wall (see Fig. 3). Regarding claims 15 and 16, the flexible chamber is capable of being centrifuged and expressing fluid (see page 3, lines 21-26). Regarding claims 17 and 18, a plurality of flexible chambers are disclosed (See Fig. 3). Regarding claim 20, WO ('505) discloses an apparatus comprising a continuous flow centrifuge (see page 1 lines 7 and 8) and a flexible chamber ("bag set 20", page 3, line 25) comprising a first side (corresponding to 71, see Figs. 1, 3 and 4) and second side (the opposite end) and having an expandable wall, wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the

Art Unit: 1723

expandable wall is attached to a circumference of the second side of the flexible chamber (see Figs. 1, 3 and 4).

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/28451. WO ('451) discloses a continuous flow centrifuge (see page 2, lines 5-6) including a plurality of flexible chambers (pluralities of 10 and/or 50 and sets thereof), each first and second sides with axial openings at both sides and an expandable wall (see page 6 line 2 to page 7 line 8), wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the flexible chamber (see Figs 3 and 7).

7. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulton (US 781,939). Fulton ('939) (see particularly embodiment of Fig. 2) discloses an apparatus comprising a flexible chamber comprising a first side (1) having an axial opening (7) and a second side (2) having an axial opening (8) and having an expandable wall (3), wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the chamber (see Fig. 2):

8. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasselquist (US 2,686,006). Hasselquist ('006) discloses an apparatus comprising a flexible chamber comprising a first side (24) having an axial opening (22) and a second side (26) having an axial opening (27) and having an expandable wall (10),

wherein a first end of the expandable wall is attached to a circumference of the first side of the flexible chamber and a second end of the expandable wall is attached to a circumference of the second side of the chamber (see Fig. 2).


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS